

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:20-CV-139-FL

JOEROAM MYRICK as an Individual and
as Representative on behalf of all others
similarly situated,

Plaintiff,

v.

CLEVELAND ATKINSON, JR.
as Sheriff of Edgecombe County; and
EDGECOMBE COUNTY,

Defendants.


ORDER

This matter is before the court on defendants' motion to dismiss (DE 16) and motion to stay (DE 18), as well as plaintiff's motion for leave to file first amended complaint (DE 24). Where "leave to amend shall be freely given when justice so requires," Laber v. Harvey, 438 F.3d 404, 426 (4th Cir. 2006) (en banc), and where defendants do not oppose plaintiff's motion, plaintiff's motion (DE 24) is GRANTED. Plaintiff is DIRECTED to file his first amended complaint within seven days of the date of this order.

In addition, where "an amended pleading ordinarily supersedes the original and renders it of no legal effect," Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001), defendants' motion to dismiss (DE 16) is DENIED AS MOOT. Finally, the court has considered defendants' motion to stay and plaintiff's opposition thereto. Where defendants assert that they will seek to file a motion to dismiss the amended complaint, the court GRANTS defendants' motion to stay

(DE18), and the court STAYS scheduling conference activities pending the framing of the pleadings.

SO ORDERED, this the 27th day of April, 2021.



LOUISE W. FLANAGAN
United States District Judge